IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5277 OF 2007

Smt.Madhavi Jeetpratap Singh ..... ....Petitioner.
V/s
State of Maharashtra & Ors... ..... ....Respondents.

Mr.Shrikant Anney i/by M/s.Thakker & Bali, Adv. for the petitioner.

Ms.V.S.Mhaisapurkar, Adv. For respondent No.1.

**CORAM: A.P.DESHPANDE, J.**
19/7/07

PC:

The Deputy Registrar has issued recovery certificate under section 101 of the Cooperative Societies Act against the borrower so also against the present petitioner. The certificate has been issued against the petitioner purportedly treating him as the guarantor. The learned senior counsel Shri Anney submits that the petitioner has never signed the loan documents and has never stood guarantor to the loan advanced by the respondent No.2 to the borrower. He submits that without making proper inquiry a certificate under section 101 has been issued. There exists a remedy in the form of revision under section 154 of the Cooperative Societies Act for calling in question the certificate issue under section 101. Further sub-section 2A of section 154 casts an obligation on the revision applicant to deposit 50% of the amount

covered by the certificate as pre-condition for entertaining the revision.

2. Learned counsel appearing for the petitioner submits that the case of the petitioner is that her signatures have been forged on the loan documents and thus she is not a guarantor. In his submission the petitioner is not at all liable and the issue about the documents being forged need to be addressed before the Competent Civil Court. I have no iota of doubt that the question as to whether loan documents bear the forged signatures of the petitioner or otherwise has to be gone into by the Competent Civil Court. Learned counsel as such seeks permission to withdraw the writ petition with liberty to file a suit and applications therein for interim reliefs before the appropriate Civil Court. Writ Petition allowed to be withdrawn with liberty as prayed for.

19.7.07